

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

INTERVET INC., and )  
BTG INTERNATIONAL LIMITED, )  
 )  
Plaintiffs, )  
v. ) C.A. No.: 05-887-KAJ  
 )  
MERIAL LIMITED, )  
 )  
Defendant. )

**STIPULATION AND ORDER OF STAY OF ACTION  
UNTIL FINAL DECISION IN REEXAMINATION**

**WHEREAS** on April 5, 2006 the United States Patent & Trademark Office ordered a Reexamination of United States Patent No. 5,587,166 ("the '166 patent"), the patent-in-suit; and

**WHEREAS** on June 2, 2006 Defendant Merial Limited filed a Motion To Stay The Litigation Pending Reexamination with a supporting Opening Brief and [Proposed] Order, requesting that this action be stayed until there is a final determination in the Reexamination of the '166 patent; and

**WHEREAS** on June 30, 2006 Plaintiffs Intervet, Inc. and BTG International filed a Response to Merial Limited's Motion To Stay The Litigation Pending Reexamination, wherein Plaintiffs stated that they "do not oppose Merial's motion";

**NOW THEREFORE, IT IS HEREBY STIPULATED** by and between the parties hereto, through their counsel, subject to the approval of the Court, that:

1. Effective immediately, this action is stayed until there is a final decision in the Reexamination of the '166 patent, or until such time as the Court lifts the stay of its own volition or pursuant to a motion by any party.

2. The parties will provide the Court with a report on the status of the Reexamination six months from the date of this Stipulation and Order, and at six month intervals thereafter until there is a final decision in the Reexamination, at which time the parties shall

notify the Court of the Reexamination decision and provide a report on the final decision in the Reexamination.

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*Attorneys for Plaintiffs*

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**IT IS SO ORDERED** this \_\_\_\_\_ day of July, 2006.

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HONORABLE KENT A. JORDAN  
 UNITED STATES DISTRICT JUDGE